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CONFIDENTIAL TELEFAX COMMUNICATION 15 Page(s) in Length
(including this cover sheet)

TO: Director Fax. No.: (571) 273-8300
Technology Center 1700

FROM: Van Economou - IPHorgan, Ltd. (847) 808-5500

DATE: January 25, 2008

RE: U. S. Patent Application No. 10/733,770

Please consider the attached Petition, including supporting documents, in request for withdrawal of Abandonment of the above captioned application.

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002/015

PATENT

JAN 25 2008
Docket No. SUH 0019 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

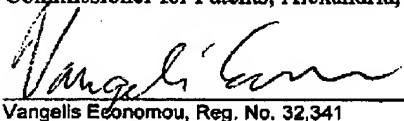
Appl. No. : 10/733,770 Confirmation No. 8737
Applicant : SUH, Kun-Hee
Filed : December 12, 2003
Title : METHOD OF FORMING BUILDING MATERIALS CONTAINING AS
A MAIN COMPONENT MAGNESIUM OXIDE
TC/A.U. : 1731
Examiner : Russell J. Kemmerle III

Docket No. : SUH 0019 US
Customer No.: 67339

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certification under 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office at the following facsimile number: (571) 273-8300, to the attention of and addressed to the Commissioner for Patents, Alexandria, VA 22313-1450 on January 25, 2008.


Vangelis Economou, Reg. No. 32,341

PETITION UNDER 37 C.F.R. §1.181(a)

Sir:

This Petition is made pursuant to 37 C.F.R. §1.181 and MPEP §711(c)(3) to invoke the supervisory authority of the Director to withdraw the holding of abandonment issued in the application. On December 13, 2007, Applicant's undersigned representative filed a fully responsive Amendment to the Office Action mailed on June 26, 2007 having a shortened statutory period for response set to expire on September 26, 2007, together with an accompanying Request for Continued Examination and a three month extension request, resetting the period for response up to and including December 26, 2007. The response including the RCE and amendment was received in the OIPE on December 17, 2007 as evidenced by the attached copy of the return receipt postcard.

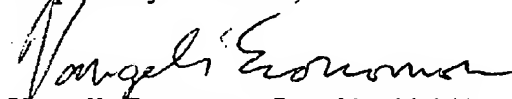
Appl. No. 10/733,770
Petition dated January 25, 2008
Reply to Office Action of June 26, 2007

Applicant through his undersigned attorney mistakenly transposed a number in the Serial Number of the application when the Response was filed, indicating 10/773,770 instead of the correct number 10/733,770. (It is noted that the application with mistaken serial number had previously been patented in 2005.) A copy of the documents filed on December 13, 2007 including the RCE, the Extension of Time Request, the Amendment and the copy of the postcard is attached hereto as evidence of the inadvertent mistake and the timely receipt of the Response by the US Patent and Trademark Office. It is noted that the checks in payment of the RCE and the Extension Request fees have been deposited by the USPTO and have been returned as having been cashed by the undersigned attorney's bank.

This was an inadvertent mistake within the meaning of MPEP 711(c)(3). Thus Applicant respectfully petitions that the attached RCE and Amendment be entered in the correct application file (10/733,770), that the Notice of Abandonment dated January 23, 2008 be withdrawn and the application be reinstated to pending status. Applicant's undersigned attorney expresses his appreciation for consideration and action on this petition.

No fee is considered necessary for this petition under the discussion found in MPEP 711(c)(3) (I.), and also as expressed by Examiner Griffin in a telephone conversation had on January 25, 2008. In the event a fee is required, please charge Deposit Account No. 50-3993.

Respectfully submitted,


Vangelis Economou, Reg. No. 32,341
Attorney for Applicant(s)

Date: January 25, 2008

IpHorgan Ltd.
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Buffalo Grove, IL 60089
Tel.: (847) 808-5500

JAN 25 2008

PTO/SB/30 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Request
for
Continued Examination (RCE)
Transmittal**Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/773,770
Filing Date	December 12, 2003
First Named Inventor	SUH, Kun-Hee
Art Unit	1731
Examiner Name	Russell J. Kemmerle III
Attorney Docket Number	SUH 0019 US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1996, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(o) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)
- b. ☐ Other _____
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. _____ I have enclosed a duplicate copy of this sheet.
- a. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☒ Check in the amount of \$ 635.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Signature	<i>Vangelis Economou</i>	Date	November 26, 2007
Name (Print/Type)	Vangelis Economou	Registration No.	32,341

CERTIFICATE OF MAILING OR TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:			
Signature	<i>Vangelis Economou</i>	Date	November 26, 2007
Name (Print/Type)	Vangelis Economou	Date	November 26, 2007

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT

JAN 25 2008

Docket No. SUH 0019 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

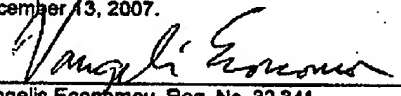
Appl. No. : 10/773,770 Confirmation No. 8737
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TC/A.U. : 1731
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Docket No. : SUH 0019 US
Customer No.: 67339

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING 37 C.F.R. 1.8 (a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450, on December 13, 2007.


Vangelis Economou, Reg. No. 32,341

AMENDMENT UNDER 37 C.F.R. §1.111

Sir:

This Amendment is responsive to the Office Action mailed on June 26, 2007 having a shortened statutory period for response set to expire on September 26, 2007. This Amendment, and the accompanying Request for Continued Examination, are being filed with a three month extension request, resetting the period for response up to and including December 26, 2007. Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.

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Amdt. dated December 13, 2007
Reply to Office Action of June 26, 2007

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (currently amended): A method of forming building materials containing as a main component magnesium oxide, comprising the steps of:
 - a) mixing magnesium oxide powder with at least one of vegetable powder, vegetable fiber, mineral powder, and mineral fiber in a predetermined mixing ratio to produce an admixture;
 - b) adding water to the admixture to produce a wet powdered admixture;
 - c) inserting the wet powdered admixture into a preheated mold, and heating and simultaneously compressing the wet powdered admixture at 80° to 120° C. under a pressure of 10 to 250 kg/cm² for a period of between 2 to 5 minutes to rapidly harden the admixture; and
 - d) releasing a resulting product from the mold.

2. (currently amended): A method of forming building materials containing as a main component magnesium oxide, comprising the steps of:
 - a) mixing magnesium oxide powder with at least one of vegetable powder, vegetable fiber, mineral powder, and mineral fiber in a predetermined mixing ratio to produce an admixture;
 - b) adding water to the admixture to produce a wet powdered admixture;
 - c) inserting the wet powdered admixture into a frame mold assembly of a molding machine including a frame mold and a preheated lower mold, and heating and simultaneously compressing the wet powdered admixture after a lower side of an upper mold is inserted into the frame mold for a period of between 2 to 5 minutes to rapidly harden the admixture; and
 - d) releasing a resulting product from the molding machine.

3. (currently amended): A method of forming building materials containing as a main component magnesium oxide, comprising the steps of:
 - a) mixing magnesium oxide powder with at least one of vegetable powder, vegetable fiber, mineral powder, and mineral fiber in a predetermined mixing ratio to produce an admixture;

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- b) adding water to the admixture in such an amount that the admixture is useful to be used in an injection molding to produce a wet admixture;
- c) inserting the wet admixture from a high pressure nozzle through an inlet of a mold assembly into the mold assembly;
- d) hardening the wet admixture by a heater positioned in the mold assembly for a period of between 2 to 5 minutes and during insertion of the admixture into the mold assembly or after the admixture is inserted into the mold assembly; and
- e) releasing a resulting product from the mold assembly.

4. (currently amended): A method of forming building materials containing as a main component magnesium oxide, comprising the steps of:

- a) mixing magnesium oxide powder with at least one of vegetable powder, vegetable fiber, mineral powder, and mineral fiber in a predetermined mixing ratio to produce an admixture;
- b) adding water to the admixture in such an amount that the admixture is useful to be used in an extrusion molding to produce a wet admixture;
- c) extruding the wet admixture into a desired shape of a product by use of an extruder; and
- d) passing a resulting product through a heating device positioned before an outlet of the extruder for a period of between 2 to 5 minutes to harden the resulting product.

5. (currently amended): A building material containing as a main component magnesium oxide obtained by a method comprising the steps of:

- a) mixing magnesium oxide powder with at least one of vegetable powder, vegetable fiber, mineral powder, and mineral fiber in a predetermined mixing ratio to produce an admixture;
- b) adding water to the admixture to produce a wet powdered admixture;
- c) inserting the wet powdered admixture into a preheated mold, and heating and simultaneously compressing the wet powdered admixture for a period of between 2 to 5 minutes to rapidly harden the admixture; and
- d) releasing a resulting product from the mold.

6. (new): The method of forming building materials containing as a main component magnesium oxide in accordance with Claim 1, wherein the inserting the wet powdered

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admixture into a preheated mold, and heating and simultaneously compressing the wet powdered admixture, is performed at 100° C. under a pressure of 100 kg/cm² for a period of between 2 to 5 minutes to rapidly harden the admixture.

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Amdt. dated December 13, 2007
Reply to Office Action of June 26, 2007

REMARKS/ARGUMENTS

Reconsideration is respectfully requested.

Applicant through his undersigned attorney expresses his appreciation for the time and effort that were made available in the telephonic Interview held on November 20, 2007 with the undersigned attorney and Examiners Kemmerle and Griffin. In the course of that interview, for which indication the Applicant expresses his appreciation, it was made clear that the insertion of a limitation to a time period for the rapid formation of the building materials, that is for the 2-5 minutes which is set forth in the specification as originally filed, would constitute subject matter that would raise new issues requiring additional search and/or consideration. Thus, it was stated that such limitation would not be considered in the present application, which is under final rejection status, but would be only considered in an application in which a Request for Continued Examination (RCE) is also submitted. Accordingly, Applicant submits a RCE herewith, together with the requisite fee.

Applicant further submits herewith a new Power of Attorney in favor of the undersigned attorney's firm (IPHorgan, Ltd.), and respectfully requests that all further correspondence from the USPTO be directed thereto.

Additionally, Applicant herewith submits a Request for Extension of Time in which to submit a response to the Office Action dated June 26, 2007, extending the period for response for three months until December 26, 2007. This response is filed within the extended period.

The Office Action dated June 26, 2007 indicates that Claims 1-5 are rejected over the Billwiller reference, which has been discussed in the Interview held on November 20, 2007. As discussed, Billwiller describes a method of manufacture in which a wet compound of building

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material is formed under pressure "for some twelve to sixteen hours" see page 1, line 105. By the above amendment, Applicant has recited the limitation that the admixture is "rapidly hardened" for a period of from 2 to 5 minutes under specified pressure and temperature parameters. Support for the limitation is found in the original disclosure at page 5, lines 8-9 ("shortening the time to form the building materials"), at page 10, line 11 and at page 12, line 9, (providing for a hardening time of "2 to 5 min") and in the recitation in each of the claims of the original application in which the method steps recited therein performed the method "to rapidly harden" the admixture. No new matter is added.

This limitation, although generally present in the claims of the original filed application, was apparently not given any weight in respect of the patentability of at least Claims 1 and 2, and thus the temporal limitation, which more particularly points out and distinctly claims the subject matter of Applicant's invention, with respect to the term "rapidly hardened" recited in the original application claims, has been added to more clearly recite the Applicant's invention.

The Office Action further indicates that Claims 1-5 are rejected under 35 U.S.C. §103(a) over Billwiler in view of Ghosh et al. It is respectfully submitted that this rejection is improper for the reasons set forth above, and additionally for a number of reasons, but most specifically because the two references are not properly combinable, and because both references teach away from a modification that is proposed in the rejection set forth in the Office Action dated June 26, 2007. For example, Billwiler teaches much longer times for hardening the compounds than is contemplated and claimed in the present application. Ghosh et al. teach a forming process for pellets, not building materials. Neither of the references sets forth a prima facie case of obviousness since neither reference teaches that preheating of the mold, as recited in the claims.

discussed, Billwiler described a process of hardening of building materials.

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The process hardening time for pellets used in semiconductor applications and having a very small size is not considered applicable to different elements having a size dimension that is at least an order of magnitude larger, such as the building materials contemplated by the presently claimed invention. Moreover, there is no showing in the rejection why a person of ordinary skill in the art would be led to modify the process of making solid insulating blocks (building materials) by using the teachings in a reference describing a method of making solid pellets from subliminal organic material hardening for a shortened when the precise teaching of the modified reference is to harden the blocks "for some twelve to sixteen hours".

Furthermore, Applicant takes issue with the rejection of Claim 5 that is said to be anticipated by Billwiller. Firstly, Billwiller fails to describe each and every limitation recited in the claim, including the "preheated mold" and the "rapidly harden the admixture" limitations. The lack of either one of these limitations removes the reference as an anticipatory reference, but the lack of both makes it clearly both not anticipated and non-obvious. Not only Billwiller, but also none of the other cited references provides any teaching, suggestion or incentive to modify the teaching of Billwiller to reduce the hardening time, since such a reduction of the process described by Billwiller would make the teaching of such a process inoperative to produce the blocks. In view of the amendment to Claim 5 to reduce the time to between two (2) to five (5) minutes, such a modification would not be obvious and would be totally ineffective in producing the insulating blocks contemplated by Billwiller.

Similarly, the modification proposed in the rejection of Claim 3, to render the Billwiller process into an injection mold fails to teach how an injection mold could be maintained for twelve to sixteen hours, and still be functional to provide the necessary amount of product, and still make sufficient product for commercial processing. Also, the modification proposed in the

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Amtd. dated December 13, 2007

Reply to Office Action of June 26, 2007

rejection of Claim 4, to render the Billwiler process by adding a heating element to an extruder, fails to teach how the extruder could maintain the extruded product heated for "twelve to sixteen hours," and still be functional to provide the necessary amount of product, and still make sufficient product for commercial processing.

New method Claim 6 has been added that further defines and more particularly claims the subject matter considered by Applicant to comprise his invention. Support for the limitations of Claim 6 are found at page 11, lines 8-13. No new matter is added in the new claim.

For the above reasons, and also for the reasons set forth in Applicant's response to previous rejections, it is considered that the claims, as amended, find support in the application specification as filed, and that the combination of elements recited in the pending claims, as amended, distinguish over the references of record. Accordingly, reconsideration and withdrawal of the outstanding rejections are respectfully requested and an indication of allowable subject matter is earnestly solicited.

Submitted herewith are a Revocation of Prior Powers and a new Power of Attorney in favor of the Applicant's undersigned attorneys, and a Request for Continued Examination of this application. Should there be any question as to this response, or to any other matter, the Examiner is respectfully requested to contact the undersigned attorney to further clarify Applicant's position.

Respectfully submitted,



Vangelis Economou, Reg. No. 32,341
Attorney for Applicant(s)

Date: December 13, 2007

IpHorgan Ltd.
11300 Lake Cook Road, Suite 240
Buffalo Grove, IL 60089
Tel.: (847) 808-5500

JAN 25 2008

PATENT

Docket No. SUH 0019 US

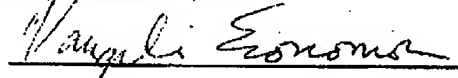
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Applicant : SUH, Kun-Hee
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Title : METHOD OF FORMING BUILDING MATERIALS CONTAINING AS
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Vangelia Economou, Reg. No. 32,341

REQUEST FOR EXTENSION OF TIME AND FEE (37 CFR §1.136 (a))

Sir:

This request for an extension of time for a period of three months in which to respond to the Office Action dated June 26, 2007, extending the period for response from September 26, 2007 up to December 26, 2007. The fee for this Request for two months is \$ 525.00 (small entity).

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Appl. No. 10/773,770
Amdt. dated November 26, 2007
Reply to Office action of June 26, 2007

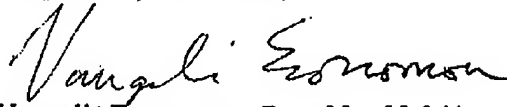
Method of Payment

Enclosed please find two checks in payment of the Fee for this Request for an Extension of Time for two months, with the additional fee for filing an RCE, total in the amount of \$830.00.

Authorization for Charging Additional Fees or Credit

If there are any additional fees or any refunds, please charge or credit to Deposit Account No. 50-3993, as appropriate.

Respectfully submitted,



Date: December 13, 2007

Vangelis Economou, Reg. No. 32,341
IpHorgan, Ltd.
Attorneys for Applicants
1130 Lake Cook Road, Suite 240
Buffalo Grove, IL 60089
(847) 808-5500

8/5

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DEC 24 2007
BY: _____

The USPTO stamp hereon acknowledges receipt on the date shown
in U.S. Patent Application No.: 10/773,770, Filing Date: December 12,
2003, for METHOD OF FORMING BUILDING MATERIALS
CONTAINING AS A MAIN COMPONENT MAGNESIUM OXIDE,
Applicant SUH, Kun-Hee of the following documents:

1. Amendment Under 37 C.F.R. §1.111;
2. Request for Extension of Time and Fee;
3. Request for Continued Examination (RCE) Transmittal;
2. Power of Attorney;
3. Checks in the amount of \$635.00 and \$195;
4. Return Receipt Postcard.

Mailing date: December 13, 2007
VE/kr SUH 0019 US

